

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE HERALD, PRIMEO AND THEMA
FUNDS SECURITIES LITIGATION

This document relates to: 09 Civ. 2032 (RMB) (HBP)

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) File No:
) 09 Civ. 289 (RMB) (HBP)
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NOTICE OF APPEAL

Notice is hereby given that Lead Plaintiff Dr. Shmuel Cabilly and plaintiff Korea Exchange Bank, as Trustee of the Korea Global All Asset Trust I-1 and Trustee of the KDB Premier Select Private Fund 1 (collectively, "Plaintiffs"), hereby appeal to the United States Court of Appeals for the Second Circuit from the Judgment entered in this action on December 12, 2011 and the Order entered November 29, 2011 granting defendants' motions to dismiss, denying Plaintiffs' motion to amend, and dismissing Plaintiffs' Consolidated Amended Complaint in its entirety with prejudice.

